

The Policy Sponsor will complete Part A and will submit it by email to the Policy Management Committee Coordinator at least two working days prior to the next Committee meeting. The Policy Sponsor will submit a complete document, along with the required submission at least two working days prior to a subsequent Committee meeting.

Part A Overview

1 Program Division name

Child Youth and Family Supports (CYFS)

2 Policy Issue to be Addressed

Policy is silent regarding Canadian citizenship for children in care. Recently, this has been highlighted in the media, at the Federal level, due to a specific case where a former child in care is currently at risk of being deported due to not having his Canadian citizenship. CYFS wants to explore policy options to determine what role it has to play when children in care do not have Canadian citizenship.

3 Document required

- ☒ Decision Request (DR)
- ☐ Information Note (IN)
- ☐ Memorandum to Executive Council (MEC)
- ☐ Request for Legislation (RFL)
- ☐ Report and Recommendation (R&R)
- ☐ Other: _____

4 Proposed action and timing

An Executive Committee decision/directive is required on policy development. This policy consideration is required in a timely manner as the policy has a target date of April 2018 for implementation. An update on this process is being requested by The Ombudsman and there have been several ongoing media requests.

5 Persons responsible for writing document

Program: Stacey Greenough, Coordinator, Children in Care
SPDS: Jennifer Croft, Sr. Policy Analyst

6 Approval for presentation to PMC

Leonard Doiron

Executive Director, CYFS

Date



DECISION REQUEST

TO: Lynn Hartwell, Deputy Minister
Nancy MacLellan, Associate Deputy Minister

FROM: Leonard Doiron, Executive Director, Children, Youth and Family Services

DATE: April 16, 2018

SUBJECT: Developing policy for children in care who are not Canadian citizens

ISSUE/DECISION REQUIRED:

Approval to develop a policy that provides clear direction on when and how to respond to citizenship and immigration issues for children in care who are not Canadian citizens.

RECOMMENDATION: Option #3

It is recommended that the Department of Community Services:

Develop policy that would require social workers to explore the possibility of applying for citizenship and to determine, on a case-by-case basis, if and when it may be appropriate to do so.

Changes to policy would be concentrated in three areas:

1. At the intake/investigation and information-gathering stage, where policies will be strengthened with explicit instruction for social workers to inquire about citizenship; as well as during the completion of the ecomap, genogram and culture and history collection tool.
2. The case planning section of the Child Welfare Manual would require the child welfare social worker to specifically address immigration and citizenship considerations as part of the child's plan of care and expectations for regular review.
3. The case planning section of the Child Welfare Manual would also include a newly created subsection to specifically address immigration and citizenship considerations and processes. This subsection would provide terminological definitions and clarification, relevant resources, accountabilities, and examples of possible limitations or inherent risks towards seeking citizenship status as guardians for children in care, such as severing the child's previous citizenship.

ISSUE OVERVIEW/DISCUSSION

Relevant Background

Child welfare social workers are tasked with assessing initial and ongoing risk to children and responding to children who are brought into care. As part of planning for every child in care, the individual goals of children may vary, however, permanency is always at the forefront. Children in care present with complex needs, requiring the child welfare social worker to carefully assess the level of risk to the child and to determine their ongoing plan of care.

Immigrant families coming to Nova Scotia as a percentage of population has increased. Because of the changing demographics, it is increasingly likely that child welfare will be referred cases where children do not have Canadian citizenship. A child's immigration status adds complexity to the situation. The department must ensure its response to the child is appropriate and effective.

Current situation

Child welfare policy is currently silent on when and how to respond to refugee, permanent resident or other immigration statuses of children who enter the temporary or permanent care and custody of the Minister of Community Services. This includes whether, and in what circumstances, the Minister of Community Services, through the Department, should pursue citizenship for children in their care.

Key issues/considerations

Complexity of Immigration Statuses: The range of immigration statuses are complex, as too is understanding the eligibility and documentation requirements for obtaining any particular immigration status. Developing policy and processes to guide child welfare social workers in applying for Canadian citizenship on behalf of children in care will require consultation with immigration legal experts to ensure policy clearly details the applicable terminology, the relevant resources, the accountabilities, and any limitations or inherent risks towards seeking citizenship status as guardians for children in care, such as severing the child's previous citizenship.

The child in care at the centre of planning: That complexity needs to be addressed while maintaining a child-centred approach. There are nuances and differences, with potentially significant impacts, that must be considered in each circumstance. For example, it is important to recognize that without Canadian citizenship, the child's future ability to remain in the country could be at risk. Delays in making citizenship applications may become more difficult as the child ages and possibly engages in activities that may compromise a successful application.

Inconsistent case management: The creation of child welfare policy for children in care will establish a consistent and timely approach in considering whether it is in the child's best interests to pursue Canadian citizenship. This is not currently the case.

Opportunity for collaborative partnerships with Federal/Provincial stakeholders: This area of policy development is topical for all jurisdictions given an increased focus on assisting refugees and immigration in general.

ANALYSIS of OPTIONS (Max 3)

14(1)

Option 1

Pros:

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Cons:

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14(1)

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Option 2:



Pros:

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-
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Cons:

-
-
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14(1)

- [Redacted]

Option 3: [Redacted]

[Redacted]

1. [Redacted]
2. [Redacted]

Pros:

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

Cons:

- [Redacted]
- [Redacted]

FINANCIAL IMPLICATIONS (RECOMMENDED ACTION)

There are no anticipated financial implications as a result of the proposed policy changes.

Request Prepared by: Jennifer Croft, Senior Policy Analyst, 902-424-4946 and Stacey Greenough, 902-424-5036
April 16, 2018

Request Prepared by: Peter Newbery, Director, Budget & Results, 902-424-4291

Request Approved by: Leonard Doiron, Executive Director, 902-424-8256



Community Services
Child, Youth & Family Supports

P.O. Box 696
 Halifax, NS B3J 2T7
 Fax: 424-0708

MEMORANDUM

TO: Service Delivery Managers
 Assistant Executive Directors, Mi'kmaw Family and Children's Services

cc. Service Delivery Executive Director
 Service Delivery Directors
 Executive Director, Mi'kmaw Family and Children's Services
 Child Welfare Specialists and Program Coordinators
 Child, Youth & Family Support Directors

FROM: Kelly Besler, Director, Child Protection, Child Youth and Family Supports

DATE: April 30, 2018

RE: **Child Welfare Manual -Revisions and Additions**
Citizenship, Immigration and other related manual section updates

We are pleased to announce that CYFS staff have developed new policy to guide child welfare social workers in their practice with children and families who are dealing with immigration and citizenship matters.

On May 1st, this new policy will be available in the Child Welfare Manual under **Section 3.4.1 Overview of Immigration and Citizenship**, located under the revised Chapter name, "Assessment, Planning Tools and Resources".

In creating a new policy specific to immigration and citizenship, several subsections of the manual were revised to ensure adequate attention to this important issue. As such, the following portions of the Manual have been revised to include thorough consideration of immigration and citizenship matters:

Child Welfare Policies

Chapter 1, General Information

Section 1.2 Introduction to Child, Youth and Family Supports, Subsection: 1.2.4 Cultural Competency and Social Work Practice now includes reference to policy regarding immigration and citizenship as a consideration for those dealing with immigration matters.

Child Protection and Children in Care Policies

Chapter 1, General Information

Section 1.1 Introduction to the Child Protection and Children in Care Policies, 1.1.0

Overview now includes definitions related to immigration and citizenship.

Chapter 1: General Information

Section: 1.2 Children's Rights, Subsection: 1.2.1 Rights and Responsibilities of Children in

Care now includes the need to consider a child's immigration and citizenship status as part of their plan of care.

Chapter 1: General Information

Section: 1.4 Police Involvement, Subsection: 1.4.4 Detention of a Child by a Peace Officer

now includes direction on when a peace officer/border services officer may assist in responding to unaccompanied children who enter the country without immigration status or children who enter with parents who are subsequently detained leaving the child abandoned.

Chapter 3: Assessment and Planning Tools

Section: 3.1 Child's Cultural and Community Connections / Family Mapping, Subsection:

3.1.1 Culture and History Collection Tool (CHCT) now includes the need to consider immigration and citizenship during information gathering and case planning related to the CHCT.

Chapter 3: Assessment and Planning Tools

Section: 3.1 Child's Cultural and Community Connections / Family Mapping, Subsection:

3.1.2 Ecomap now includes the need to identify immigration and citizenship status as part of information collection and planning.

Chapter 3: Assessment and Planning Tools

Section: 3.1 Child's Cultural and Community Connections / Family Mapping, Subsection:

3.1.4 Cultural Connection Plan now includes consideration and planning for the child's needs in relation to immigration and citizenship.

Chapter 4: Intake and Investigation

Section: 4.1 Child Protection Referral Intake, Assessment & Investigation, Subsection: 4.1.7

Responsive Timelines now includes a specified response time for those children who are found to be unaccompanied minors or abandoned at the Canadian border.

Chapter 5: Case Planning

Section: 5.2 Case Plan Management, Subsection: 5.2.8 Child's Plan of Care Overview now requires consideration of a child's immigration and citizenship status at the time of planning for children in care and subsequent reviews. **Please note: *the child's plan of care form has also been revised*** to include consideration and planning for the child's needs in relation to immigration and citizenship status, as well as improved features, most of which are in response to the excellent feedback from staff through the *feedback loop*.

Chapter 9: Services for Children in Care

Section: 9.4 Special Circumstances, Subsection: 9.43. Travel Outside of Canada now includes the necessity to consider immigration and citizenship issues for children in care travelling out of country.

Part B Options Analysis

7 Overview of current situation and purpose for request

Child welfare policy is currently silent on when and how to respond to refugee, permanent resident or other immigration statuses of children who enter the temporary or permanent care and custody of the Minister of Community Services. This includes whether, and in what circumstances, the Minister of Community Services, through the Department, should pursue citizenship for children in their care.

The purpose for this request is to seek approval to develop a policy that provides clear direction on when and how to respond to citizenship and immigration issues for children in care who are not Canadian citizens.

8 Background

Child welfare social workers are tasked with assessing initial and ongoing risk to children and responding to children who are brought into care. As part of planning for every child in care, the individual goals of children may vary, however, permanency is always at the forefront. Children in care present with complex needs, requiring the child welfare social worker to carefully assess the level of risk to the child and to determine their ongoing plan of care.

Immigrant families coming to Nova Scotia as a percentage of population has increased. Because of the changing demographics, it is increasingly likely that child welfare will be referred cases where children do not have Canadian citizenship. A child's immigration status adds complexity to the situation. The department must ensure its response to the child is appropriate and effective.

9 Key issue(s)

Complexity of Immigration Statuses: The range of immigration statuses are complex, as too is understanding the eligibility and documentation requirements for obtaining any particular immigration status. Developing policy and processes to guide child welfare social workers in applying for Canadian citizenship on behalf of children in care will require consultation with immigration legal experts to ensure policy clearly details the applicable terminology, the relevant resources, the accountabilities, and any limitations or inherent risks towards seeking citizenship status as guardians for children in care, such as severing the child's previous citizenship.

The child in care at the centre of planning:

That complexity needs to be addressed while maintaining a child-centred approach. There are nuances and differences, with potentially significant impacts, that must be considered in each circumstance. For example, it is important to recognize that without Canadian citizenship, the child's future ability to remain in the country could be at risk. Delays in making citizenship applications may become more difficult as the child ages and possibly engages in activities that may compromise a successful application.

Inconsistent case management:

The creation of child welfare policy for children in care will establish a consistent and timely approach in considering whether it is in the child's best interests to pursue Canadian citizenship. This is not currently the case.

Opportunity for collaborative partnerships with Federal/Provincial stakeholders

This area of policy development is topical for all jurisdictions given an increased focus on assisting refugees and immigration in general.

10 Options

14(1)

Describe at least three options to address the issue, including pros and cons of each. One option will be status quo (no changes to address the policy issue). Consultation with key individuals may be required to ensure a comprehensive exploration of each option. Additionally, it is important to demonstrate alignment with other initiatives/Transformation and best practices in other jurisdictions.

Option 1:

Pros:

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Cons:

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Option 2:

Pros:

14(1)

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Cons:

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Option 3:

Pros:

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14(1)

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Cons:

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Section 7-11 approval

Kelly Besler _____ Director, Program	OR	Project Director, TSU _____	Director, SPDS _____
_____ Date April 16, 2018		_____ Date	_____ Date

Part C Recommendation Analysis**12 Recommended action**

Option 3 is recommended.

A policy will be developed that requires the child welfare social worker to gather information about the child's citizenship at the time a child enters care or as soon thereafter as possible. The determination of whether to pursue Canadian citizenship will require careful consideration, on a case-by-case basis, regarding the appropriateness of doing so.

Section 12 approval

Kelly Besler _____ Director, Program	OR	Project Director, TSU _____	Director, SPDS _____
April 16, 2018 _____ Date		_____ Date	_____ Date

13 Financial impact

Provide the following information, as appropriate: the source of funding for the proposal; the need for new funding or existing funding reallocation; impacts on other expenditures; impact on budget estimates resulting in increased deficit/reduced surplus; FTE impacts.

There are no anticipated financial implications as a result of the proposed policy changes.

Section 13 approval

Pete Newbery
Director, Budgets and Results

March 17, 2018
Date

14 Information technology implications

As a result of this policy change, ICM improvements may need to be explored, such as developing a flag on the system to document critical immigration activities.

Section 14 approval

Director, Business Relationship (ITCS)

Date

15 Other government-wide implications

None of the policy changes above require actions on the part of other provincial government departments.

Section 15-16 approval

Kelly Besler
Director, Program

OR

Project Director, TSU

Director, SPDS

April 16, 2018
Date

Date

Date

17 Jurisdictional review

12(1)(a)(i)

12(1)(a)(i)

Section 17 approval


Juanita Fawcett, for Shannon Kelly
 Advisor, Intergovernmental Relations


March 16, 2018
 Date

18 Consultation undertaken

14(1)

16

In addition to consulting with the Federal Department of Immigration and Citizenship, the Department of Justice Nova Scotia has worked extensively with DCS on this issue and have retained external expert legal advice on the topic. 


Section 18 approval

Kelly Besler
 Director, Program

OR

Project Director, TSU

Director, SPDS

April 16, 2018
 Date

Date

Date

20 Legal implications

16

Section 20 approval

Adriana Meloni
 Solicitor, Department of Justice

April 16, 2018
 Date

21 Privacy implications

There are no anticipated privacy implications as a result of the proposed policy changes.

Section 21 approval

Aimee Standen
Manager, Information Services & Privacy

March 23, 2018
Date

22 Service delivery implications

14(1)

d HR

Section 22 approval

Bev Budden
Executive Director, SDSS

Executive Director, SD

Heather Glascock
Business Partner, HR

March 22, 2018
Date

Date

March 21, 2018
Date

23 Communications plans

14(1)

Section 23 approval

Glenn Friel, Communications Advisor, on behalf of Patricia Jreige, Acting Director
Director, Communications

March 29, 2018
Date

24 Policy Lenses

Describe the implications for the following policy lens categories. For those that do not apply, indicate using "N/A".

- ☐ **Economic impact**
No signification impacts
- ☐ **Impact to Rural Nova Scotia**
No signification impacts
- ☒ **Social equity**

Implementation of a formal policy will support child welfare social workers across the province in addressing situations involving child refugees. The policy will ensure a consistent approach to all cases so that no child is left out.

The child-centric approach to this policy change ensures that the rights of the child are at the forefront of any decisions made with respect to the application for Canadian citizenship. Child welfare social workers will carefully consider the appropriateness of pursuing citizenship, based on each individual child's unique circumstances.

- ☒ **Gender based analysis**
No significant impacts. The proposed policy will be equitable and inclusive for both female and male children, and it will ensure actions taken to pursue Canadian citizenship are appropriate based on an assessment of each child's individual circumstances.
- ☐ **Trade policy**
No signification impacts
- ☐ **Environmental**
No signification impacts
- ☐ **Human resources**
No signification impacts
- ☐ **Regulatory impact/Implications for business**
No signification impacts
- ☐ **Municipal**
No signification impacts
- ☐ **Intergovernmental**
No signification impacts
- ☐ **First Nations**
No signification impacts
- ☐ **African Nova Scotian**
No signification impacts
- ☐ **Acadian Affairs**
No signification impacts

Section 24 approval

Kelly Besler _____
Director, Program

OR

Project Director, TSU

Director, SPDS

April 16, 2018 _____
Date

Date

Date

25 Related Outcomes and Measurement Framework (OMF) outcomes

Department Outcomes	Child Welfare Outcome	Rationale
Clients are able to meet their basic needs	Children, youth, and families receive the specialized support	Children (refugee) entering Canada as permanent residents will present with

	they need	unique and complex experiences and needs. Supports provided by Child Welfare to apply for Canadian citizenship will need to take this into consideration.
Staff and delivery partners are empowered to make a positive difference in people's lives	Staff and service providers feel empowered	Updates to the child welfare policy manual will provide social workers with required information and guidance on supporting refugee children and going through the Canadian citizenship application process.

Section 25 approval

Kelly Besler _____
Director, Program

OR

Project Director, TSU

Director, SPDS

April 16, 2018 _____
Date

Date

Date

26 Transformation alignment

The goal of the transformation of child welfare is to ensure better outcomes for children, youth and families and a more sustainable system of support. The recommended option creates a policy that allows the determination of whether to pursue Canadian citizenship to require careful consideration regarding the appropriateness of pursuing citizenship, recognizing each child's unique situation and experience and putting the child's need first.

Additionally, the recommended option does not pose any challenges or misalignment to the work underway or current practices in Employment Support and Income Assistance or the Disability Support Program areas.

Section 26 approval

Anna Warren, for Kathleen Rogers
Project Director, TSU

Director, TSU

April 17th, 2018
Date

Date

27 Evaluation plan

Based on the proposed changes, it is anticipated that an evaluation will not be required.

Section 27 approval

Cynthia Ryan
Manager, BIDA

March 22, 2018
Date

28 Summary of proposal

This Decision Request proposes that revisions be made to the current child welfare policy manual regarding the application of Canadian citizenship on behalf of all refugee children who enter Canada as permanent residents and for whom the Minister of Community Services has obtained permanent care and custody. The new policy will require the child welfare social worker to consider the unique immigration status and/or circumstances at the time a child is taken into care and at minimum, every 90 days thereafter, unless circumstances warrant a more immediate review and action. The proposed policy revisions would require social workers to explore the possibility of citizenship and to determine if doing so is appropriate on a case-by-case basis.

Changes to policy would be concentrated within the case planning section of the Child Welfare Manual. A new subsection would be created specifically related to immigration and citizenship processes. This subsection would:

- provide an overview of immigration and citizenship issues, including terminology, processes, and considerations such as the age of the child, the country of origin, the current immigration status of the child, the current permanency plan for the child, and accessible resources;
- provide an overview of what must be considered for the child, under a wide variety of circumstances;
- ensure clarity on how to move forward given the particulars of the child's situation;
- emphasize the required detail and importance of the role of the Minister, as a wise and conscientious parent; and
- include links for federal information as well as clarity on terminology and where to seek assistance as needed.

Section 28 approval

Kelly Besler _____
Director, Program

OR

Project Director, TSU

Director, SPDS

April 16, 2018
Date

Date

Date

29 Final Approval of Policy Analysis Form

(Required prior to Decision Request/Cabinet document completed)

Kelly Besler _____
Director, Program

OR

Project Director, TSU

April 16, 2018
Date

Director, SPDS

Date

Leonard Doiron _____
Executive Director, Program

April 16, 2018
Date

Executive Director, P&I

Date